

### **REMARKS**

The Office Action mailed April 20, 2007 has been received and carefully considered. Claims 1, 6-8, 10, 12-13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45-46, 49-58, and 60-65 were examined on their merits. Claims 66-78 have been added without adding new matter. Claims 1, 6-8, 10, 12-13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45-46, 49-58, 60-65, and 66-78 are currently pending in the present application. It is believed that this Amendment, in conjunction with the following remarks, places the application in immediate condition for allowance.

#### **A. The Anticipation Rejection of Claims 1, 25, and 46**

Claims 1, 25, and 46 stand rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,444,774 (Friedes). Claims 1, 25, and 46 are independent claims. Applicants respectfully request that the Examiner reconsider the rejection for at least the reasons stated below.

“A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Claim 1 recites “a receiver adapted to receive said unit of work record from said device during contact with said requestor and generate a decision pertaining to said requestor’s request based on the contents of said unit of work record while still in contact with said requestor.” Claim 25 recites “a receiver adapted to receive said unit of work record from said database during contact with said requestor and generate a decision pertaining to said requestor’s request based on the contents of said unit of work record while still in contact with said requestor.” Claim 46 recites “generating a decision pertaining to said requestor’s request based on the contents of said unit of work record while still in contact with said requestor.” As described in greater detail below, Friedes does not disclose each and every element in any of these claims, either expressly or inherently.

Friedes discloses a system for queuing telephone calls, collecting information from telephone callers, and displaying information on the screen of an attendant servicing a telephone call. *See, e.g.*, Friedes col. 2, lines 45-53. *Id.* However, Friedes does not disclose, or even

contemplate, the claimed "receiver adapted to...generate a decision pertaining to said requestor's request based on the contents of said unit of work record while still in contact with said requestor," Friedes only discloses that the information collected regarding the caller is stored until an attendant becomes available to service the call. *See, e.g.*, Friedes col. 2, lines 65-67. Once the attendant is available, the information is displayed on the attendant's console. *See, e.g.*, Friedes col. 3, lines 9-11. At no time is the information collected used by the console to generate a decision as claimed. Note that the claimed "receiver" is not the attendant (i.e., a person) in Friedes who is fielding the call. Thus, there is no teaching or suggestion that the receiver will "generate a decision" such as recited in claim 1.

Thus, Friedes fails to disclose or suggest the claimed "receiver adapted to receive said unit of work record from said device and during contact with said requestor and generate a decision pertaining to said requestor's request while still in contact with said requestor," such as recited in claim 1. For the same reasons, Friedes fails to disclose or suggest the elements recited in claims 25 and 46. Therefore, Applicants respectfully submit, for the reasons stated above, that Friedes does not anticipate claims 1, 25, and 46, and that the present rejections are overcome.

**B. The Anticipation Rejection of Claims 6-8, 10, 12-13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45-46, 49-58, and 60-65**

Claims 6-8, 10, 12-13, 15-21, 23-24, 28-30, 34, 37, 39-43, 45, 49-58, and 60-65 stand rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,444,774 (Friedes). Claims 6-8, 10, 12-13, 15-21, 23-24, 28-30, 34, 37, 39-43, 45, 49-58, and 60-65 are dependent claims. Thus, Applicants respectfully submit that the present rejections are overcome at least because of the dependency of claims 6-8, 10, 12-13, 15-21, 23-24, 28-30, 34, 37, 39-43, 45, 49-58, and 60-65 on independent claims 1, 25, and 46.

**C. New Claims 66-78**

Newly submitted dependent claims 66-78 are believed to be allowable because they are directed to that which is not shown in the prior art and do not introduce new subject matter.

Furthermore, claims 66-78 are dependent upon claims 1, 25, and 46 and are allowable for at least for the reasons stated above with respect to the independent claims.

Support for claim 66 can be found at least at paragraph [0016] of pending application, wherein it is stated that the “present invention allows a business...to make automated responses to requests that previously required human interaction.”

Support for claims 67-78 can be found at least at paragraphs [0007] and [0016] of pending application. In paragraph [0007], it is stated that system is capable of performing “calculations necessary for the approval or denial of loans or credit applications or dynamically created terms of an offer.” It is further stated that the system provides for “dynamic negotiations to conclude a transaction while the system is live with the caller.” In paragraph [0016], it is stated that the decision may be, by example, “a decision to increase the caller’s credit line[.]”

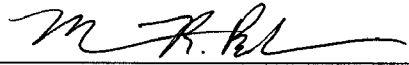
**CONCLUSION**

Applicants respectfully submit that the above amendments and remarks place the pending claims in condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Date: July 16, 2007

By:   
Martin Bader  
Registration No. 54,736

**PAUL, HASTINGS, JANOFSKY & WALKER LLP**

Customer Number: 36183

P.O. Box 919092

San Diego, CA 92191-9092

Telephone: (858) 720-2500

Facsimile: (858) 720-2555